

Amend Section 31-002 to read

31-002 DEFINITIONS

(a) through (c) (Continued)

(d)(1) through (4) (Continued)

- (5) "Dual Status Youth" means a minor who has been designated both a ward (Welfare and Institutions Code section 602) and a dependent (Welfare and Institutions Code section 300) of the juvenile court by the juvenile court regardless of which agency has lead authority on the case, as described in Welfare and Institutions Code Section 241.1(a).

(e) through (z) (Continued)

Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001.

Reference: Sections 224.1, 224.6, 300, 306, 306.6, 309, 319, 360, 361, 361.2, 361.3, 361.31, 361.4, 361.7, 362.7, 366.22, 366.24, 366.26, 366.3, 391, 636.1, 706.6, 727, 727.2, 728, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10553.1, 10553.12, 10554, 10850.4, 11100, 11105, 11108.15, 11155.5, 11362, 11391, 11400, 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, 16501, 16501.1, 16503, 16504, 16506, 16507.5, 16516.5, 16520, 16521, 17736, and 18951, Welfare and Institutions Code; Sections 11105.08, 11165 et seq., and 11170, Penal Code; Section 265, Civil Code; 25 USC 1901, 1903, 1912(d), 1915, 1919, and 1931(b), 42 USC 673, 675, 679 and 1305; 45 CFR 233.120; Sections 1502, 1505, 1505.2, 1522, 1522.06, and 1530.8, Health and Safety Code; Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977); and California Rules of Court, rule 5.552.

Adopt Section 31-540 to read:

31-540 DUAL STATUS YOUTH

- .1 When a minor fits the descriptions of both Welfare and Institutions Code Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol, initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court, and the court shall determine which status is appropriate for the minor.
- .2 Based on the current county protocol, if any, the assessment shall include, but not be limited to, the following:
 - .21 The nature of the referral.
 - .22 The age of the minor.
 - .23 The prior record of the minor's parents for child abuse.
 - .24 The prior record of the minor for delinquent behavior.
 - .25 The parent's cooperation with the minor's school.
 - .26 The minor's functioning at school.
 - .27 The nature of the minor's home environment.
 - .28 The records of other agencies that have been involved with the minor and his or her family.
 - .29 Provisions for resolution of disagreements.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 241.1, 387 and 628 Welfare and Institutions Code.